

BEFORE THE DEPARTMENT OF REVENUE  
OF THE STATE OF MONTANA

In the matter of soliciting applications ) NOTICE OF NEGOTIATED  
for membership on a negotiated ) RULEMAKING  
rulemaking committee relating to )  
agency liquor stores )

TO: All Concerned Persons

1. The Department of Revenue intends to establish a negotiated rulemaking committee (committee) to develop, amend, and repeal department rules relating to agency liquor stores. This negotiated rulemaking process is required by 16-1-303, MCA, for any rules relating to the operation of agency liquor stores.

2. The committee will consider rule actions to implement Senate Bill 193, L. 2015, which established set commission rates for all agency liquor stores. The proposed actions will include the repeal of rules that set forth the three discount rates currently in effect and amendments to remove any related language from the rules that remain. The committee will draft new rule language to implement House Bill 506, L. 2015, which permits microdistilleries to deliver product directly to agency liquor stores. The committee may also review and amend the definitions in the agency liquor store rules.

3. Interests that are likely to be significantly affected by the proposed rulemaking actions are owners of Montana agency liquor stores.

4. The individuals proposed to represent the department on the committee are: Shauna Helfert, Liquor Control Division Administrator; LaNora Stigen, Liquor Distribution Bureau Chief; Steve Swanson, Liquor Control Division Management Analyst; and Laurie Logan, Rule Reviewer. Shauna Helfert will serve as the department's voting member of the committee.

5. The department is seeking applications from interested parties to serve on the committee.

6. The proposed working schedule for the committee is as follows:

(a) On June 25, 2015, this notice will be published in the Montana Administrative Register (MAR). The notice will also be mailed to persons known to the agency to have an interest in this matter.

(b) Applications for membership on the committee must be received no later than July 31, 2015. The members selected to serve on the committee must be able to adequately represent the interests of the persons that will be significantly affected by the proposed rules.

(c) The department will consider all applications and comments and establish the committee not later than August 17, 2015. The committee members will be notified in writing of their selection and receive an information packet within five

working days of the selection.

(d) The committee will convene its first meeting on September 14, 2015, at 10 a.m. in the State Liquor Warehouse Conference Room, 2517 Airport Road, in Helena, Montana. Teleconferencing and e-mail correspondence will be utilized as much as possible. The committee will begin with an initial draft of proposed rule actions at this meeting.

(e) If the committee is successful in achieving a consensus on the proposed rules, the committee will transmit, to the department, a report specifying the areas in which the committee has reached a consensus and the issues that remain unresolved.

(f) Thereafter, the department will file the proposed rules with the Secretary of State for publication in the Montana Administrative Register. The department may seek the assistance and advice of the committee with respect to comments received during the formal rulemaking process.

7. Any individual or entity interested in applying for or nominating another person for membership on the committee must submit the following information in writing to: Laurie Logan, Department of Revenue, P.O. Box 7701, Helena, Montana 59604-7701, no later than July 31, 2015:

(a) the person's or nominee's name, address, and contact information including telephone or e-mail address;

(b) evidence that the person or nominee is authorized to represent parties related to the interests of the persons proposed to be represented;

(c) a commitment that the person or nominee will be able to participate in the negotiated rulemaking process as contemplated in paragraph 6 and will actively participate in good faith in the development of the rules under consideration;

(d) the ability of the person or nominee to cover committee participation costs (such as telephone calls, travel, and per diem expenses).

8. Interested parties may submit their views and comments concerning the proposed negotiated rulemaking process to Laurie Logan, Department of Revenue, P.O. Box 7701, Helena, Montana 59604-7701, faxed to (406) 444-3696, or e-mailed to lalogan@mt.gov no later than July 31, 2015.

9. Initially, the department proposes to limit the size of the committee to no more than four persons in addition to the department staff identified in paragraph 4. After receipt of comments and applications, the department may determine that a smaller or larger number is necessary to adequately represent the interests of the persons significantly affected by the proposed rules.

10. The department will make reasonable accommodations for persons with disabilities who wish to participate on the committee. If you require an accommodation, please advise the department of the nature of the accommodation you need when applying for membership on the committee.

11. Please note the following concerning the process of negotiated rulemaking:

(a) "Interest" for the purpose of this process means multiple parties that have similar points of view or that are likely to be affected in a similar manner in relationship to matters affected by the rule(s). (2-5-103(5), MCA)

(b) Negotiated rulemaking is not a substitute for the public notification and participation requirements of the Montana Administrative Procedure Act, and a consensus agreement by a negotiated rulemaking committee may be modified by an agency as a result of the subsequent rulemaking process. (2-5-102, MCA)

12. The specific grant of rulemaking authority authorizing the department to adopt the proposed rules is found in 16-1-303, MCA. The proposed rules will implement Title 16, chapter 2, parts 1, 2, and 3, MCA.

/s/ Laurie Logan  
Laurie Logan  
Rule Reviewer

/s/ Eugene Walborn acting for  
Mike Kadas  
Director of Revenue

Certified to the Secretary of State June 15, 2015.